

REMARKS/ARGUMENTS

The Examiner's action of October 3, 2005 has been received and reviewed by Counsel for Assignee. In that action the Examiner objected to the drawings and to the abstract. With this response, formal drawings and a new abstract are provided.

The Examiner noted an informality with respect to claim 21 and claim 22. By this response those claims have been separated into two paragraphs as appropriate.

Regarding substantive examination of claims 1-40, the Examiner has rejected under 35 U.S.C. §102 claims 1-6, 17-19, 21-24 and 31-34. Most of these claims were rejected as anticipated by Madour et al., U.S. Patent 6,611,532. Claim 17 was rejected as anticipated by Nishihara, U.S. Publication 2002/0018468 and by Saunders et al., U.S. Publication 2002/0097463.

Claim 7-16, 20, 25-30 and 35-40 were objected to as being dependent upon a rejected base claim. The examiner indicated these claims would be allowable if rewritten in independent form.

By this response counsel has amended most of claims 1-40 in a manner to make more clear the distinctions between those claims and the cited references. These amendments are discussed below. In addition, counsel submits new claims 41-43. New claim 41 corresponds to former claim 7 rewritten in independent form. New claim 42 corresponds to former claim 20 rewritten in independent form, and new claim 43 corresponds to former claim 35 rewritten in independent form. Claims 41-43 are believed to patentably distinguish the cited references on the basis of the Examiner's indication of allowability in the action.

With regard to the remaining claims, counsel has amended claims 1-40 in a manner believed to more clearly identify the unique features of applicants' invention in contrast to the prior art references.

An important feature of applicant's invention is that in a label switched network, a set of wide band virtual links are defined, and each wide band virtual link includes a plurality of physical links. For example, with reference to Figure 5A, a typical virtual link is illustrated and shown to consist of three Ethernet physical links. In Figure 5B the virtual link is comprised of

Sonet links. In Figure 5C the virtual link consists of a combination of Sonet and Ethernet links. The Madour et al. '532 reference does not teach this, the basic idea of applicant's invention. The '532 reference describes virtual links only in the background of the invention at column 1, lines 33-38. As described there, a virtual link does not include at least two physical links, and is in fact a part of the "physical layer (or layer 1)."

In an effort to highlight this difference in the use of the word "virtual," counsel has amended each of the independent claims in a manner to make clear that the virtual links are "wide band" virtual links, and that each virtual link includes a plurality of physical links. This aspect of Applicant's invention is believed not shown or suggested by the '532 reference.

In rejecting claim 17, the Examiner cited Figures 8 and 13 of the '532 reference as teaching the plurality of links. By rewording claim 17 to make it clear that each virtual link includes a plurality of physical links, Counsel believes that claim now distinguishes Figures 8 and 13 of the '532 reference. Independent claim 22 and independent claim 31 have each been similarly amended to make more clear the distinctions between those claims and the '532 reference.

Claim 17 was also rejected as anticipated by Nishihara, U.S. Application 2002/0018468 and Saunders et al., U.S. Application 2002/0097463. Claim 17 has been amended to require that hash functions be used to create hash values representing the physical links used to forward the receive packets. Neither of the cited references is believed to teach this feature of amended claim 17. In addition, Counsel notes that claim 20 (now cancelled) included this feature and was indicated as allowable over the cited references. For this reasons, claim 17 is now believed to patentably distinguish the cited references.

The Examiner has rejected the claim 31 as anticipated by Oguchi et al., U.S. Application 2002/0067725. By this response Counsel has amended claim 31 to more clearly state that each virtual link is a wide band virtual link, and that each of virtual link includes at least two physical links. This aspect of Applicant's invention does not appear to be shown or suggested by the Oguchi reference, and is not disclosed in the cited paragraphs 63, 79, 94 etc. referenced in the Examiner's action (paragraph 10). For at least this reason, Counsel believes the Applicant's invention as now claimed in claim 31 patentably distinguishes the Oguchi reference.

Because each of the independent claims presented for examination now more clearly claims the distinctive features of Applicant's invention in contrast to the prior art, Counsel believes each of these claims is patentable over the cited art. All of the remaining claims presented for examination (other than those indicated as having allowable subject matter) depend directly or indirectly from the claims just discussed. Counsel therefore believes those claims also patentably distinguish the cited references, at least for this reason.

As the Examiner will note, Counsel has made numerous amendments throughout the claims to clarify them and to eliminate redundant phrasing to simplify those claims. In view of the amendments and the remarks above, Counsel believes that all claims now patentably distinguish the cited art.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



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Attachments
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Amendments to the Drawings:

The attached sheets of drawing are provided in response to the Examiner's request for formal drawings.